

## AGREEMENT

CITY OF LINCOLN  
STATE OF NEBRASKA DEPARTMENT OF ROADS

THIS AGREEMENT, entered into between the City of Lincoln, Nebraska, hereinafter referred to as the "City" and the State of Nebraska, Department of Roads, hereinafter referred to as the "State";

WITNESSETH:

WHEREAS, it has been determined between the City and State that a proposed viaduct over Burlington Northern and Santa Fe Railroad's tracks at SW 40<sup>th</sup> Street in Lincoln is feasible, and

WHEREAS, The City is agreeable to the closing of the current at-grade crossing at SW 40<sup>th</sup> Street in Lincoln.

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. The current cost estimate for the entire proposed SW 40<sup>th</sup> Street viaduct project from "O" Street to "A" Street is as follows:

Overpass and Roadway	\$12,050,000
Right-of-Way	\$ 455,000
Utilities	\$ 650,000
Final Design/Construction Engineering	\$ 3,175,000
Removal of at-grade crossings	\$ 70,000
Total	\$16,400,000

All preliminary engineering costs for the proposed project will be the responsibility of the City.

The State will pay for approximately 50% of the construction engineering, construction and right of way costs for a theoretical 44-foot wide structure and approaches, from touch down to touch down, which would be constructed if Middle Creek were not present or up to a capped amount of \$4,000,000 when funding becomes available. The current construction cost estimate for the theoretical 44-foot viaduct, with a sidewalk/bikeway on one side, from touch down to touch down, is as follows:

Overpass and Roadway	\$ 6,607,000
Right-of-Way	\$ 400,000
Utilities	\$ 650,000
Removal of crossings	\$ 70,000
Construction Engineering	\$ 835,000
Total	\$ 8,562,000

Any costs above and beyond those described above will be the responsibility of the City and RTSD. A Supplemental Agreement will be completed for final cost sharing, scope of work, agency obligations, and joint obligations, following detailed design.

SECTION 2. The City agrees to the closure of the public at-grade crossing located in Lincoln/ Lancaster County at SW 40<sup>th</sup> Street. The SW 40<sup>th</sup> Street crossing will be closed during construction of the proposed viaduct, or within 60 calendar days following written notice from the BNSF Railroad demonstrating they have a fully funded track project ready for construction, whichever comes first.

Neb. Rev. Stat. Section 74-1318 (Reissue 1996), known as the Grade Crossing Protection Fund, provides for payments to the political subdivision for crossing closures. With the closure of SW 40<sup>th</sup> Street, the City will receive \$5,000 from the State. The State will also provide an additional amount not to exceed \$12,000 for the actual costs associated with the closure.

SECTION 3. The State agrees to accept the SW 40<sup>th</sup> Street Area Transportation Study, dated July 2003, to rate this crossing in competition with other crossings for determining statewide funding priorities.

SECTION 4. The flashing light signals and gates currently in use at the crossing on SW 40<sup>th</sup>, shall be removed by the Railroad and delivered to a storage location to be determined by the State. The future disposition of the signals will be jointly determined by the State and the Railroad and will be cover under a separate agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the City this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

CITY OF LINCOLN

\_\_\_\_\_

\_\_\_\_\_

EXECUTED by the State this 2<sup>th</sup> day of May, 2005.

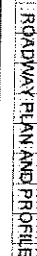
STATE OF NEBRASKA  
DEPARTMENT OF ROADS

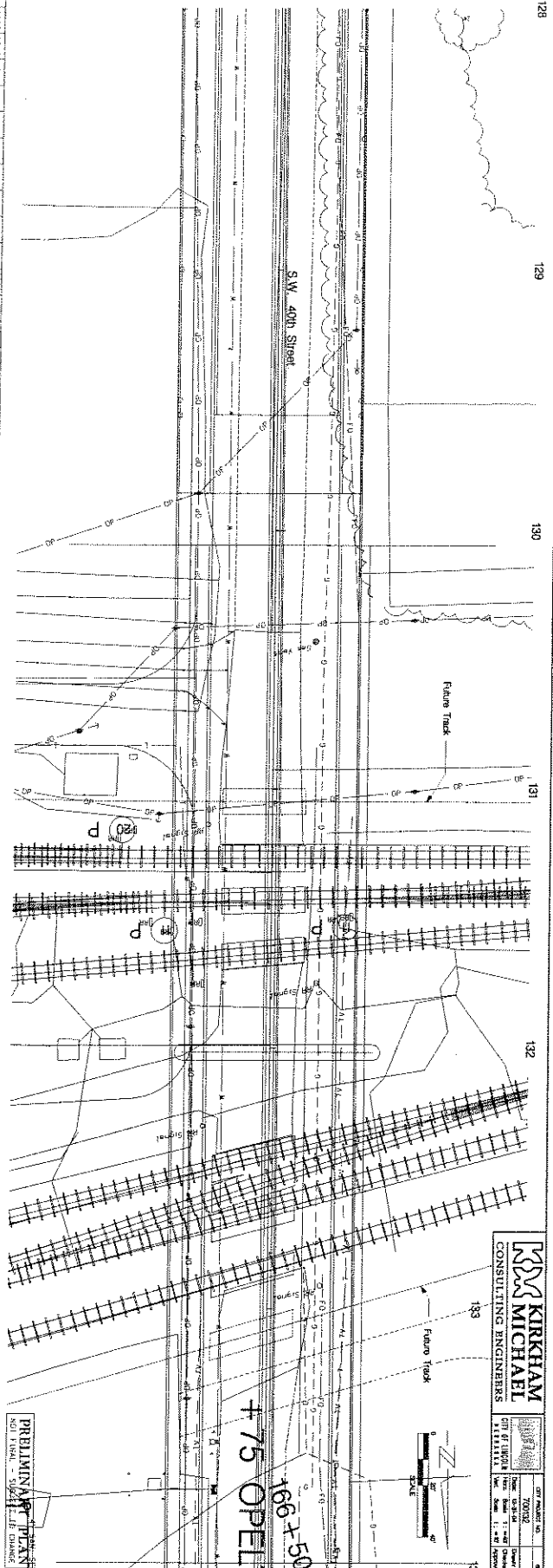


Rail and Public Transportation Engineer



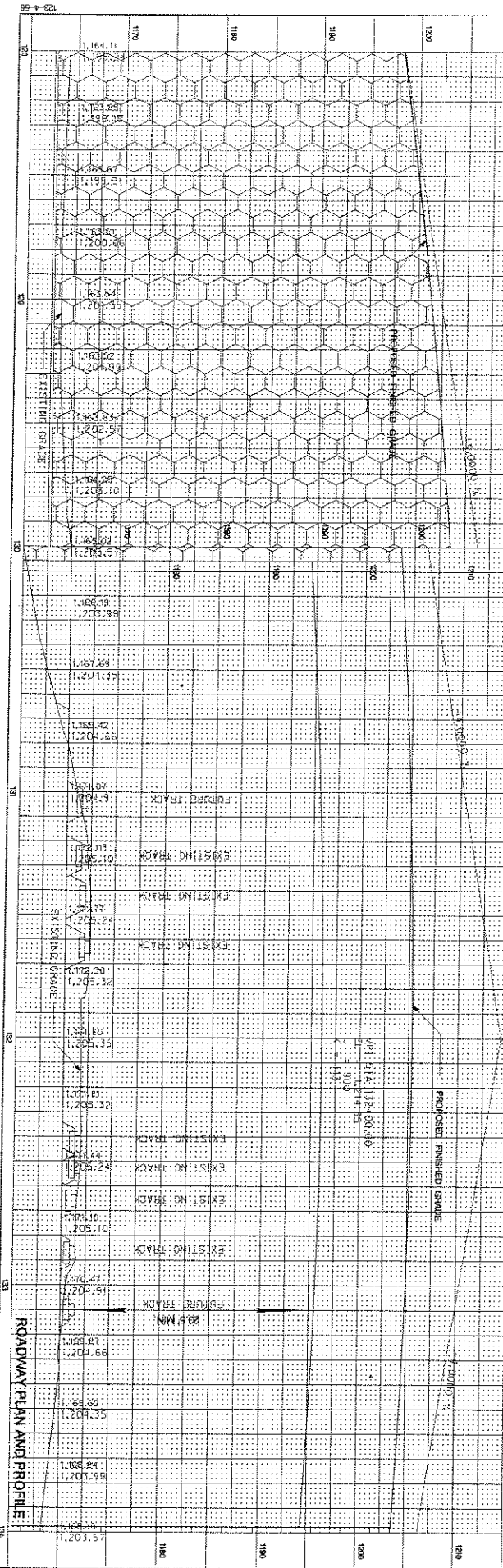
123-4-56





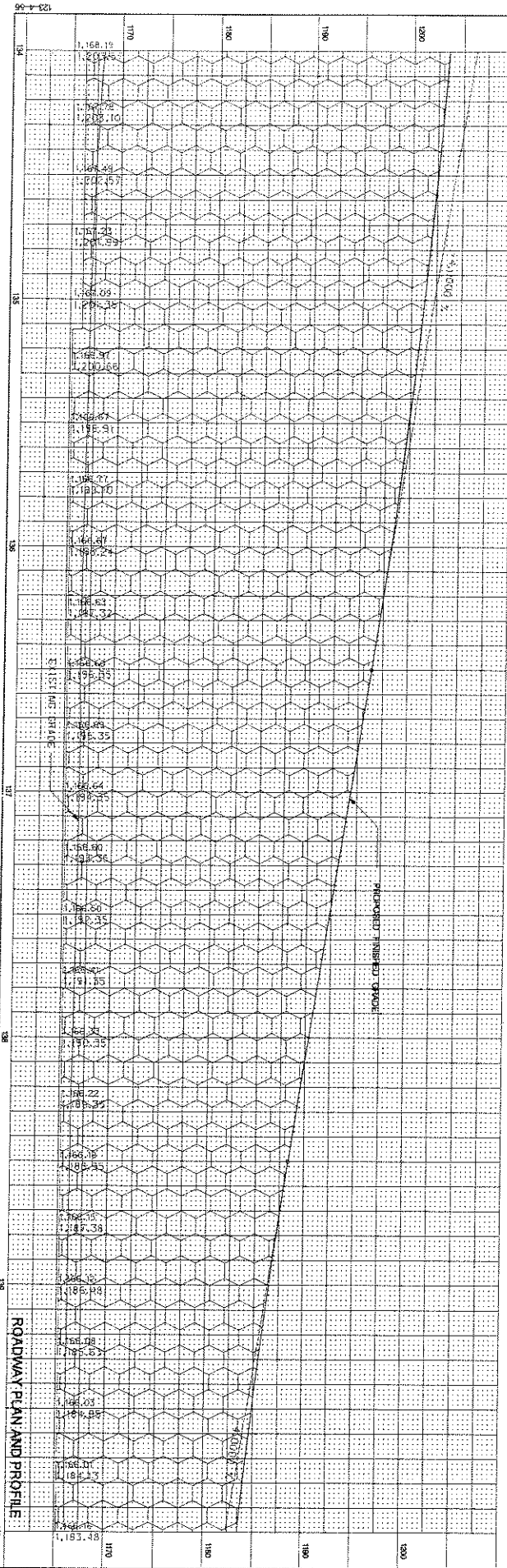
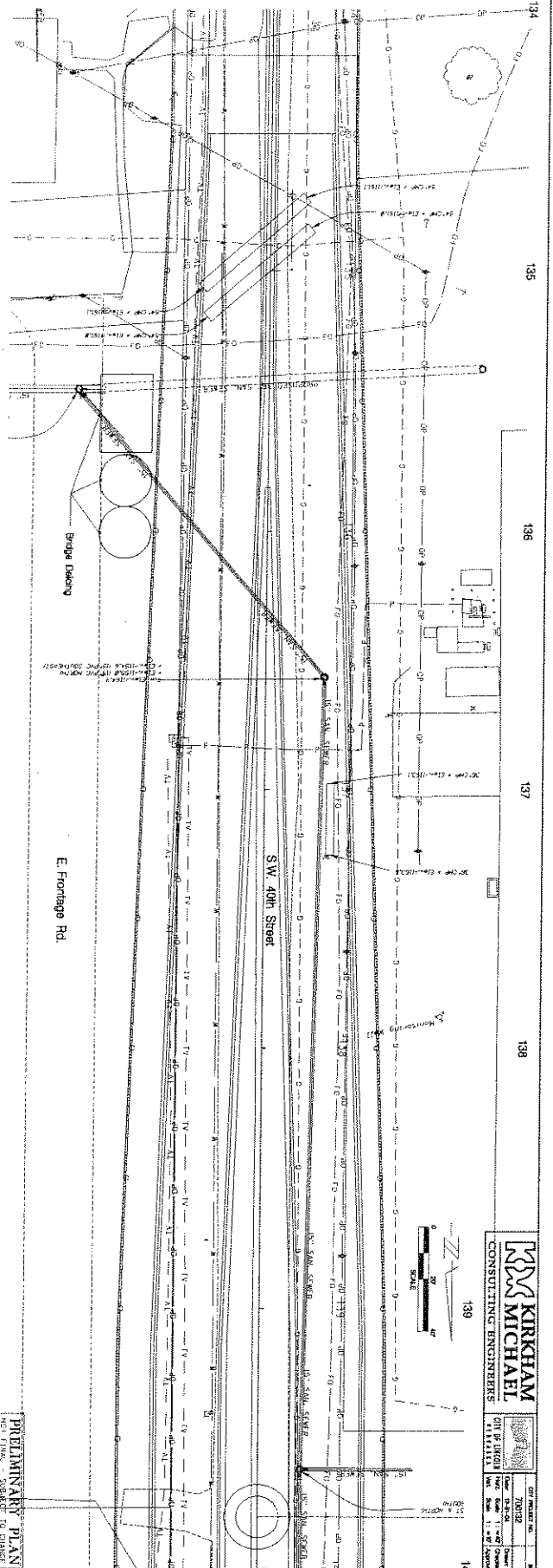
**KIRKHAM MICHAEL**  
 CONSULTING ENGINEERS

PROJECT NO.	122062217	SHEET NO.	134
CITY OF MIAMI	DATE	9/8/2009	BY
DESIGNED BY	11-23-041	CHECKED BY	11-23-041
SCALE	1" = 40'	APPROVED BY	11-23-041



ROADWAY PLAN AND PROFILE

PRELIMINARY PLAN



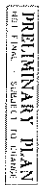
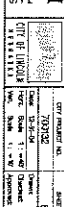
**KIRKHAM**  
**CONSULTING ENGINEERS**  
 1111111111

JOB PROJECT NO. 122-4-56  
 DATE 3-6-06  
 DRAWN BY Mm  
 CHECKED BY Mm  
 IN CHARGE BY Mm

SHEET NO. 6  
 OF 6  
 TOTAL SHEETS 18

PRELIMINARY PLAN  
 NOT FINAL - SUBJECT TO CHANGE





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FRIDPO3FD: FMI SPHEC GRADDE

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EXSTING

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ROADWAY PLAN AND PROFILE

# PRELIMINARY PLAN



KIRKHAM

MICHAEL

CONSULTING ENGINEERS



CITY OF LINCOLN

REGISTRATION

CITY PROJECT NO.	709132	SHEET NO.	9
DATE: 03-31-04	DESIGN: T.B.E.	CHECK: J.B.E.	DATE: 03-31-04
BY: [Signature]	DATE: 03-31-04	BY: [Signature]	DATE: 03-31-04

